

### **REMARKS**

This communication responds to the Office Action of October 5, 2007, in which the Examiner rejected claims 1, 3-11, 13 and 32-35 under 35 U.S.C. § 103(a).

#### **Rejection under 35 U.S.C. 103(a)**

Claims 1, 3-11, 13 and 32-35 were rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent 6,019,745 ("Gray") as modified by US Patent 5,359,379 ("Kohno").

#### **Independent Claims 1 and 35 are Not Obvious Over Gray in View of Kohno**

Claim 1 is directed to an ampoule comprising, in part, "a dispensing end and a distal end relative to the dispensing end, said distal end comprising a surface perpendicular to a central longitudinal axis extending between said dispensing end and said distal end, said surface comprising a set of at least two recognition elements." Claim 35 is directed to an ampoule comprising, in part, "a threaded surface parallel to a central longitudinal axis extending between a dispensing end and a distal end of said ampoule . . . said distal end comprising a surface perpendicular to the axis, said surface comprising a set of at least two recognition elements."

Claims 1 and 35 are not obvious over Gray in view of Kohno at least because neither Gray nor Kohno, alone or in combination, disclose, teach, or suggest, an ampoule comprising a distal end, "said distal end comprising a surface perpendicular" to a central axis, "said surface comprising a set of at least two recognition elements."

Gray teaches a medical syringe comprising a cylindrical glass barrel 1 and plastics finger grip 2. Gray, col. 4, ll. 39-42. The plastics finger grip 2 is inserted onto an end of the cylindrical glass barrel 1, such that lateral projections 2b of the finger grip 2 extend in opposite directions laterally away from the axis of the glass barrel 1. Gray, col. 4, ll. 42-45. A data carrier device 2c is mounted near the end of each of the two finger grip projections 2b. Gray, col. 4, ll. 55-57. Thus, Gray discloses a finger grip 2 having a surface 2b comprising one or more data carrier devices 2c mounted therein. Gray does not teach an end of the glass barrel 1 comprising a data carrier device. Moreover, Gray teaches away from modification of the location of the data carrier device 2c in teaching that it "is mounted near the end of the each finger grip projection 2b, to provide operability irrespective of the rotational alignment of the syringe." Gray, col. 4, ll. 55-57. Accordingly, Gray does not disclose, teach, or suggest an ampoule comprising a distal

end, "said distal end comprising a surface perpendicular" to a central axis, "said surface comprising a set of at least two recognition elements."

Kohno does not remedy the disclosure deficiency of Gray with respect to the present invention. Kohno teaches a video camera system. The system includes a camera body and an interchangeable lens which may be mounted on the camera body. *Kohno*, col. 3, ll. 11-14. The invention of Kohno does not include an ampoule.

Accordingly, the Gray/Kohno combination does not disclose, teach, or suggest an ampoule comprising a distal end, "said distal end comprising a surface perpendicular" to a central axis, "said surface comprising a set of at least two recognition elements," as recited in claims 1 and 35. Reconsideration and withdrawal of the rejections are requested.

Assuming, for purposes of argument, that the Gray/Kohno combination teaches an ampoule comprising a distal end comprising a surface perpendicular to a central axis, said surface comprising a set of at least two recognition elements, which it cannot, the combination does make obvious the invention of claims 1 and 35 at least because neither Gray nor Kohno, alone or in combination, disclose, teach, or suggest "a set of at least two recognition elements . . . arranged in one of at least two predetermined configurations . . . wherein each predetermined configuration comprises more than one position for each of the recognition elements."

As discussed above, Gray teaches a glass barrel having a finger grip with data carrier means mounted near the end of each of two projections of the finger grip. *Gray*, col. 4, ll. 39-57. Thus, Gray teaches a set of two data carrier means mounted in a single predetermined configuration, the predetermined configuration comprising one position for each of two data carrier means. Accordingly, Gray does not disclose, teach, or suggest at least two predetermined configurations nor configurations comprising more than one available position for each of the data carrier means.

Kohno teaches a camera system comprising a camera body 1 and an interchangeable lens 10 which may be mounted on the camera body. *Kohno*, col. 3, ll. 11-14. The interchangeable lens 10 comprises six contacts 14a-14f which are secured to the lens as electric connection terminals. The contacts 14a-14f are positioned such that they come into contact with camera side contacts 6a-6f when the lens 10 is mounted to the camera body 1. *Kohno*, col. 3, ll. 20-24. Kohno does not teach an alternative positioning, or configuration, of the contacts 14a-14f. Therefore, and as can be seen with reference to Fig. 3, Kohno teaches a set of six contacts 14a-

14f positioned in a single predetermined configuration, the predetermined configuration comprising one position for each of six contacts 14a-14f. Thus, Kohno does not disclose, teach, or suggest at least two predetermined configurations nor configurations comprising more than one available position for each of the contacts 14a-14f.

Accordingly, the Gray/Kohno combination does not disclose, teach, or suggest "a set of at least two recognition elements . . . arranged in one of at least two predetermined configurations . . . wherein each predetermined configuration comprises more than one position for each of the recognition elements," as recited in claims 1 and 35. Reconsideration and withdrawal of the rejections are requested.

Claims Depending From Claim 1 are Patentable

Claims 3-11, 13, and 32-34 depend either directly or indirectly from claim 1 and incorporate all the limitations of claim 1. Accordingly, these claims are also patentable for at least the reasons presented above. Reconsideration and withdrawal of the rejections are requested.

Conclusion

This application is in allowable form, and reconsideration and allowance are respectfully requested.

This response is being submitted on or before March 5, 2008, along with a request for an extension of time until that date and the requisite fee. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

Respectfully submitted,

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